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JOHN H. BAUCKHAM
1923-2015

HARRY F. SMITH
1906-1972

May 30, 2017

To: Mike Barger
From: Seth Koches
Re: Lockport Township's Motion to Reconsider

RECEIVED

MAY 31 2017

Office of Land Survey &
Recreation

.....
Mr. Barger,

Enclosed in this package are five (5) copies to Lockport Township's Motion to Reconsider. I e-mailed these documents to you and Patrick Fitzgerald, Assistant Attorney General. Please forward this motion to the State Boundary Commission members in advance of the June 7, 2017 meeting. Please do not hesitate to contact me with any questions.

Very truly yours,

**BAUCKHAM, SPARKS, THALL,
SEEGER & KAUFMAN, P.C.**



Seth Koches

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To: The State Boundary Commission
From: Roxanne Seeber & Seth Koches, Lockport Township Attorneys
Re: Lockport Township's Motion for Reconsideration

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LOCKPORT TOWNSHIP'S MOTION FOR RE-CONSIDERATION

Lockport Township asks the State Boundary Commission Members to reconsider its April 12, 2017 motion recommending approval of the City of Three Rivers' Annexation petition to the Director of LARA. Since April 12, 2017, the Michigan Court of Appeals issued its published opinion denying the City's attempted annexation under the Home Rule City Act. Moreover, on April 12, 2017, the SBC unilaterally revised the City's annexation petition to avoid creating illegal enclaves. However, approving the petition as revised will result in the City violating the Township's Zoning Ordinance, Section 12.07, which was adopted several years before any litigation. The following memorandum addresses the impact of the Court of Appeals' decision and the effect of the SBC's revision of the City's annexation petition will have if it is approved. Lockport Township respectfully asks the State Boundary Commission to reconsider its April 12, 2017 motion recommending approval of the City's annexation petition, with revisions in light of new evidence that did not exist or was not at issue on April 12, 2017 and recommend denial of the City's annexation petition.

I. Background: April 12, 2017 – Adjudicative Hearing.

On April 12, 2017, the State Boundary Commission (hereinafter the "SBC") held its adjudicative hearing in Lansing, MI. The SBC accepted public comment and heard from Andrew Mulder, Special Counsel for the City of Three Rivers (hereinafter the "City"), Seth Koches, the Lockport

Township (hereinafter the “Township”) Attorney and Douglas Kuhlman, the Township Zoning Administrator.

The SBC panel presumably reviewed the City and Township’s supplemental material before the April 12, 2017 hearing. Upon a motion, the SBC unilaterally revised the City’s annexation petition seemingly to eliminate the possibility of creating illegal enclaves. More specifically, the SBC revised the City’s petition by revising the legal descriptions, to go to the edge of the roads instead of into the right-of-way. Ultimately, the SBC passed a motion, by a 3-2 vote to recommend approving the City’s annexation petition with those revisions to the Director of LARA.

II. SBC: Record and Finality of Action – General Rule 123.23.

SBC General Rule 123.23 states that a,

“[c]ommission action is final when the chairperson signs the findings of fact and conclusions of law...”.

The SBC did not make a final decision on April 12, 2017 when it voted to recommend approval of the City’s annexation petition, with revisions, to the Director of LARA. The June 7, 2017 meeting date will be used to make the findings of fact, conclusions of law, etc. Simply stated, the SBC should consider new evidence and issues brought to light that either was not available on April 12, 2017, which has become relevant because the SBC’s revision of the City’s annexation petition.

III. The Court of Appeals Decision.

a. Background.

The SBC is aware that the City Commission passed a resolution annexing the subject property (absent the “wing parcels”) on February 2, 2016. The Township challenged that resolution and attempted to obtain a preliminary and permanent injunction. The Township’s request was denied by the St. Joseph County Circuit Court when it ruled that the subject property was “vacant” for annexation purposes under MCL 117.9(8) of the Home Rule City Act and therefore, the same may be annexed. The Township appealed this decision to the Michigan Court of Appeals (hereinafter the “COA”). The COA scheduled oral arguments for May 2, 2017 in Grand Rapids, MI.

After the April 12, 2017 meeting, an SBC member mentioned that she was interested in the outcome of the COA case. On May 9, 2017, the COA reversed the Circuit Court’s ruling that the

subject property was vacant and essentially voided the City's annexation resolution. The SBC has the discretion to reconsider its motion of recommending approval of the City's annexation petition because no final action has occurred.

b. COA Decision.

On May 9, 2017 the COA released its written opinion **reversing** the Circuit Court's ruling that the subject property was vacant for annexation under the Home Rule City Act (MCL 117.9(8)).¹ This decision is final unless the City files an application for leave to the Supreme Court of Michigan and the same grants leave.

The SBC should place substantial weight into the COA decision. The COA recognized the value, benefit and purpose of the \$277,000 waterline utility improvement. The COA defined "vacant" property as "real property that is 'not put to use'".² The COA recognized that the water line is in constant use and held that an underground water transmission line fits within the definition of the word, "property." Furthermore, the COA dismissed the City's claim that the water line was a *de minimus* use and noted that the Township has a right to access that property because of a permanent easement.³

The Township contends that the SBC should reconsider its April 12, 2017 motion to the extent that any SBC member made his or her vote upon any of the following reasons:

1. The fact that the subject property is vacant.
2. The water line is located underground.
3. The water line is not a benefit.
4. The waterline is a *de minimus* use of the property.⁴

A parcel of property may be annexed through either the Home Rule City Act or by a petition submitted to the SBC which is regulated by the State Boundary Commission Act. Neither statute defines the word "vacant", "property" or "land." The COA held that language not defined by statute should be interpreted and applied "according to [its] common and approved usage."⁵ The COA defined 'vacant land' as "that which is not put to use" and 'land' as "the solid part of the surface of the earth" or an "...area consisting of the portion of the earth's surface, the place above and below the surface, and...everything permanently affixed to it."⁶

¹ See attached Exhibit #1, the Court of Appeals written opinion.

² See Exhibit #1, COA written opinion, page 2.

³ See Exhibit #1, COA written opinion, page 4.

⁴ See Exhibit #1, COA written opinion, page 4: The COA unequivocally ruled that the subject property is not vacant and that the City's argument that the waterline is a *de minimus* use was irrelevant.

⁵ See Exhibit #1, COA written opinion, page 2.

⁶ See Exhibit #1, COA written opinion, pages 3-4.

The SBC acts as a quasi-judiciary body because it is an administrative agency and because it makes decisions which are subject to judicial review as provided for in PA 191 of 1968. As such, the SBC should interpret “vacant” and “property” as defined by the Court outlined above.

The COA placed further emphasis on the importance of this case when it unilaterally made the decision to publish its written opinion. This means that the COA decision will become binding case law on all Courts below the Supreme Court throughout the State of Michigan. Simply stated, the COA recognized the importance of the Township’s underground water utility line, the beneficial use it provides the Township, the subject property, the ability to expand the reach of the Township’s water system and the perpetual access the Township has on the subject property through its permanent easement. The City will never be able to terminate the Township’s access to that property or the use of the waterline. The City should not be able to limit the beneficial use of that water line by not allowing it to provide service to the subject property once it is developed.

The Township respectfully asks the SBC to reconsider its motion recommending approval of the City’s annexation petition in light of the COA opinion and deny the City’s annexation petition.

IV. Lockport Township Zoning Ordinance 95.1207 – Access to Street.

Article XII – Special Provisions of the Township Zoning Ordinance, Section 12.07 regulates “Access to a Street”, and states as follows:

“Sec. 12.07. A lot, parcel or building site area of not less than 2 acres, with a lot, parcel, or building site width of no less than 200 feet and at least 200 feet of frontage on a public street is provided. **Public access to commercial, industrial or recreational uses shall not be designed so as to pass through the residential neighborhoods.** (amended Ord. No. 2009-03, § I, 2012)⁷
Emphasis added.

Section 12.07 was enacted well before the idea of the City’s sports complex was ever conceived. Section 12.07 has been effective for more than six (6) years, which predates any litigation or known contemplation of the City’s annexation plans.

⁷ See Attached Exhibit #3, Lockport Township Zoning Ordinance Section 12.07.

a. Effect of Section 12.07 on Buckhorn Road – Proposed Access Point.

Section 12.07 applies to the Buckhorn Road “wing parcel” because it is located in the Township’s Residential Zoning District.⁸ It is undisputed that the “wing parcel” abutting Buckhorn Road will serve as an access point for several hundred vehicles to access the subject property if the sports complex is built. The City admitted this during several public hearings when it presented proposed sports complex designs before the SBC. Section 12.07 is a newly created issue that became relevant and applicable only when the SBC unilaterally revised the City’s annexation petition in order to eliminate Township enclaves. By making this revision, Buckhorn Road is a *Township* road and subject to the Township Zoning Ordinance.

Admittedly, the City may re-zone the subject property if the SBC approves its annexation with revisions. However, that is irrelevant. Buckhorn Road is a *Township* road because the SBC unilaterally revised the City’s annexation petition. Furthermore, the portion of Buckhorn Road at issue is located in the Township’s Residential Zoning District. The “wing parcel” is identified as Parcel Number 009-008-007-00 and is approximately 20.41 acres in size.⁹ Clearly, the wing parcel abutting Buckhorn Road is greater than 2 acres, has a width of more than 200 feet and has at least 200 feet of frontage on Buckhorn Road.¹⁰ *However*, the properties directly north and south of the wing parcel abutting Buckhorn Road are Township parcels that consist of single family homes located in the Township’s residential zoning district.¹¹ The Township Zoning Map clearly depicts that the Buckhorn Road access point abuts residential properties (to the north and south) located in a Single Family Residential Zoning District and Buckhorn Road is generally surrounded by a Residential Zoning District to the north. Therefore, although the “wing parcel” abutting Buckhorn Road meets the minimum standards as an access point, Section 12.07 requires that public access to recreational uses *shall not pass though the residential zoning neighborhoods*. Therefore, using the Buckhorn Road as an access point for the sports complex violates the Township’s Zoning Ordinance and subjects the City to penalties and remedies provided for in Section 15.06 of the Township Zoning Ordinance, which will be discussed in sub-paragraph (c).

⁸ See attached Exhibit #2, Lockport Township Zoning Map. The subject property and Buckhorn Road are located in “Section 7” in the upper left hand corner of the map shaded in light red, which is a Single Family Residential Zoning District.

⁹ See Attached Exhibit #4, St. Joseph County Parcel Report for Parcel 009-008-007-00.

¹⁰ See Attached Exhibit #5, tax map drawings from St. Joseph County Fetch GIS measuring the “wing parcel’s” frontage on Buckhorn Road (272.16 feet).

¹¹ See attached Exhibit 3, Lockport Township Zoning Map, the subject property is located in the upper right left hand corner in Section 7.

b. Effect of Section 12.07 on Main Street – Proposed Access Point.

Section 12.07 sets the standard and requirements for parcel access to a street. The Main Street wing parcels fail to meet the minimum standards provided for in Section 12.07 for street access. More specifically, Section 12.07 requires, in part, that:

“...a lot, parcel...of not less than 2 acres, with a lot, parcel...width of no less than 200 feet and at least 200 feet of frontage on a public street is provided.”

Parcel number 009-007-007-00 is part of the City’s annexation petition submitted to the SBC and sought for annexation. This parcel is proposed to be the Main Street access point. Parcel 009-007-007-00 is .68 acres in size, is 66.87 feet wide and 224.05 in depth.¹² This parcel has 66.87 feet of frontage on Main Street¹³. Again, the SBC unilaterally revised the boundaries of these parcels to not protrude into Main Street to avoid creating any Township enclaves. Clearly, parcel 009-007-007-00 does not meet the minimum requirement of Section 12.07 because the parcel is not at least two (2) acres in size. Furthermore, the parcel does not satisfy the minimum frontage and width requirement of not less than 200 feet as required by Section 12.07. It is irrelevant that properties surrounding parcel 009-007-007-00 are not located in the a Township Residential Zoning District because the access point – Main Street – is a *Township* road, and therefore, street access from the subject property onto Main Street is regulated by the provisions and enforcement of the Township Zoning Ordinance.

c. Interpretation and Enforcement of the Township Zoning Ordinance.

The Township Zoning Administrator is responsible for interpretation the Township Zoning Ordinance. The Township Zoning Administrator interprets Section 12.07 to be consistent with the arguments listed above in sub-paragraphs (a) and (b). As such, the City would need to apply for a variance or appeal the Zoning Administrator’s interpretation of Section 12.07 to the Lockport Township Zoning Board of Appeals.

A violation of a municipal zoning ordinance and a nuisance per se are subject to abatement pursuant to MCL 125.3407. Section 15.06 of the Lockport Township Zoning Ordinance provides that violations thereof are municipal civil infractions and provides a fine schedule for violations and allows for remedial action by the Township. More specifically, Section 15.06(b) states,

¹² See Attached Exhibit 6, Parcel Report: 009-007-007-00, from St. Joseph County GIS, with measurements.

¹³ See Attached Exhibit 6, Parcel Report: 009-007-007-00, from St. Joseph County GIS, with measurements.

“Remedial Action. Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.”¹⁴

Simply stated, the City will violate the Township Zoning Ordinance every day if it uses Buckhorn Road as an access point to the proposed sports complex, as planned. The Township could cite the City for violating Section 12.07 and, after an informal or formal hearing, seek an injunction or simply ask the Court to issue an order requiring compliance with the Township’s Zoning Ordinance.

The SBC’s unilateral revision of the City’s annexation petition will unequivocally result in the City violating the Township’s Zoning Ordinance because several hundred cars will use the Buckhorn Road to access the sports complex. A sports complex is a recreational use. This issue was not considered or even discussed before the SBC revised the City’s annexation petition and should be thoroughly examined before the SBC makes any findings of fact or final decision regarding whether to recommend approval of the City’s annexation petition.

(This space intentionally left blank)

¹⁴ See Attached Exhibit #7, Lockport Township Zoning Ordinance Penalties Provisions, Section 15.06.

V. Conclusion.

The issues raised and information presented in the Township's motion to reconsider directly relating to evidence and arguments that either wasn't available on April 12, 2017 or not relevant until the SBC unilaterally revised the City's annexation petition.

Township respectfully asks the State Boundary Commission to reconsider its April 12, 2017 motion where it recommended approving the City's annexation petition, with revisions, to the Director of LARA because of new facts and circumstances that were not available to the SBC on that date. Furthermore, Lockport Township requests that the SBC, after considering the COA decision and the implications of Township Ordinances, Section 12.07 and 15.06, reconsider its April 12, 2017 motion and make a finding of fact that supports a denial of the City's annexation petition and recommend the same to the Director of LARA.

I will be present at the June 7, 2017 meeting in Lansing, MI and will answer any additional questions before the SBC.

BAUCKHAM, SPARKS, THALL,

SEEBER & KAUFMAN, P.C.

A handwritten signature in blue ink, appearing to read "Seth Koches", is written over a horizontal line.

Seth Koches

Exhibit #1

STATE OF MICHIGAN
COURT OF APPEALS

TOWNSHIP OF LOCKPORT,

Plaintiff-Appellant,

v

CITY OF THREE RIVERS,

Defendant-Appellee.

PUBLISHED
May 9, 2017
9:10 a.m.

No. 331711
Saint Joseph Circuit Court
LC No. 16-000104-CZ

Before: WILDER, P.J., and BOONSTRA and O'BRIEN, JJ.

O'BRIEN, J.

The Township of Lockport ("the Township") appeals as of right the trial court's order granting summary disposition in favor of the City of Three Rivers ("the City"). We reverse.

This case arises out of the City's attempt to annex approximately 80 acres of real property from the Township. In 2006, the private owners of the land at issue and the Township executed a "Grant of Easement," which granted the Township a 20-foot easement over the land for the installation a water transmission line. A water transmission line was installed shortly thereafter. Approximately ten years later, on February 1, 2016, the City purchased the land at issue from the private owners, intending to develop a recreation facility. On the day following the purchase, February 2, 2016, the City's Commission approved a resolution to annex the land at issue. In response, the Township filed this lawsuit on February 3, 2016, seeking, ultimately, to prevent the annexation. A temporary restraining order was entered, and proceedings continued from there. A hearing on the Township's motion for preliminary injunction was held on February 17, 2016, and, after hearing the parties' arguments and reviewing the parties' filings, the trial court denied the Township's motion for preliminary injunction and granted the City's motion for summary disposition. Its decision was based, primarily, on its conclusion that the Township's lawsuit could not succeed on its merits because the land at issue was "vacant" for purposes of MCL 117.9(8). An order reflecting its decision was entered on that date. The Township appealed, arguing that the land is not "vacant" under MCL 117.9(8). We agree.

Appellate courts review a trial court's decision on a motion for summary disposition de novo. *Bernardon v Saginaw*, 499 Mich 470, 472; 886 NW2d 109 (2016). "A motion for summary disposition made under MCR 2.116(C)(10) tests the factual sufficiency of the complaint." *Id.* Summary disposition pursuant to MCR 2.116(C)(10) is appropriate when, "[e]xcept for the amount of damages, there is no genuine issue as to any material fact, and the

moving party is entitled to judgment or partial judgment as a matter of law.” “In deciding a motion under subrule (C)(10), the trial court views affidavits and other documentary evidence in the light most favorable to the nonmoving party.” *Chandler v Dowell Schlumberger Inc*, 456 Mich 395, 397; 572 NW2d 210 (1998).

In this case, the trial court granted the City’s motion for summary disposition based on its interpretation and application of the Home Rule City Act (“the HRCA”), MCL 117.1 *et seq.* A trial court’s interpretation and application of a statutory provision is reviewed de novo on appeal. *Yono v Dep’t of Transp*, 499 Mich 636, 645; 885 NW2d 445 (2016). “When interpreting a statute, [the] foremost rule of construction is to discern and give effect to the Legislature’s intent. Because the language chosen is the most reliable indicator of that intent, [appellate courts] enforce clear and unambiguous statutory language as written, giving effect to every word, phrase, and clause.” *Wyandotte Electric Supply Co v Electrical Tech Sys, Inc*, 499 Mich 127, 137; 881 NW2d 95 (2016). If the statutory provision at issue is clear and unambiguous, it must be enforced as written, and no judicial construction is permitted or required. *Bank of America, NA v First American Title Ins Co*, 499 Mich 74, 85; 878 NW2d 816 (2016).

Specifically, the trial court interpreted and applied MCL 117.9(8), which provides, in relevant part, as follows:

Where the territory proposed to be annexed to any city is adjacent and consists of a park or vacant property located in a township and owned by the city annexing the territory, and there is no one residing in the territory, the territory may be annexed to the city solely by resolution of the city council of the city. . . .

Stated simply, this portion of MCL 117.9(8) “authorizes a city to annex certain vacant land that the city owns by enacting a resolution for annexation and requires no affirmative action on the part of the township.” *Rudolph Steiner Sch of Ann Arbor v Ann Arbor Charter Twp*, 237 Mich App 721, 733; 605 NW2d 18 (1999). The issue before this Court in this case is whether the property at issue was “vacant” for purposes of MCL 117.9(8).

The term “vacant” is not defined in MCL 117.9(8) or the remainder of the HRCA with regard to that specific subsection. Nevertheless, this Court has previously interpreted and applied the term in several decisions, and each party in this case points to one of those decisions as being dispositive here. The Township points to *Charter Twp of Pittsfield v Ann Arbor*, 86 Mich App 229, 235; 274 NW2d 466 (1978) (“the *Ann Arbor* decision”), where this Court concluded that a parcel of land used constantly as a multi-lane road was not vacant for purposes of MCL 117.9(8). The City, on the other hand, points to *Charter Twp of Pittsfield v Saline*, 103 Mich App 99, 107-108; 302 NW2d 608 (1981) (“the *Saline* decision”), where this Court concluded that a parcel of land used seasonally for the production of crops and subject to leasing agreements was vacant for purposes of MCL 117.9(8). While neither decision is directly on point, or binding, MCR 7.215(J)(1), we are of the view that both support the Township’s position in this case.

In the *Ann Arbor* decision, this Court, recognizing that the statutory language should be interpreted and applied “according to [its] common and approved usage,” turned to the dictionary definition of “vacant” and defined “vacant land as that which is not put to use.” 86 Mich App at

235. Applying that definition, this Court concluded that the parcel at issue was not vacant because it was “in constant use as a road.” *Id.* Three years later, in the *Saline* decision, this Court expressed “agree[ment] with the . . . Court’s use of an ordinary meaning test to determine the definition of vacant [in the *Ann Arbor* decision].” 103 Mich App at 107. Applying that ordinary-meaning test, this Court concluded that the parcel at issue was vacant because it was only seasonally used for the production of crops and subject to “farm leasing agreements” that could be terminated “in any case[.]”¹ In our view, both of these decisions correctly apply and interpret the statutory language at issue according to its plain and ordinary meaning, and we choose to do the same here.

The term “vacant,” as it applies to real property, can still be defined the same way that it was in 1978—as real property that is “not put to use[.]” *Merriam-Webster’s Collegiate Dictionary* (11th ed). Under the *Ann Arbor* decision, real property is not vacant when it is in constant use. Under the *Saline* decision, real property is vacant when it is only seasonally used and subject to a lease agreement that may be terminated at any time. In the instant matter, it is undisputed that the real property at issue is currently and constantly being used. The parties agree that there is, in fact, an underground water transmission line located on the land at issue. Like the road in the *Ann Arbor* decision, the waterline is “in constant use[.]” Therefore, the *Ann Arbor* decision best applies to the facts and circumstances of this case. Had the waterline been in “temporary, seasonal” use or subject to a lease that might be terminated at any time, the *Saline* decision would arguably apply. But, those are simply not the facts before us in this case.

On appeal, the City argues that, in the *Saline* decision, this Court implicitly rejected the interpretation and application of the term “vacant” that was used in the *Ann Arbor* decision. We disagree. While it is true that, in the *Saline* decision, this Court did “part company with [the earlier] panel’s further holding that vacancy precludes use ‘for any beneficial purposes,’ ” that distinction has no impact on the outcome of this case. 103 Mich App at 107. Whether MCL 117.9(8) requires that land “not be[] utilized for any beneficial purpose” in order to be vacant is of no relevance to us here because the real property at issue in this case was being “put to use[.]” 86 Mich App at 235. Consequently, it is not vacant for purposes of MCL 117.9(8).

On appeal, the City also relies on the fact that “the water line is ‘buried’ underground” to support its position. Its reliance in this regard is misplaced. MCL 117.9(8) refers to “property,” and we are unable to find any authority to support the notion that “property” refers only to the above-ground portion of the land at issue.² The word “land” can be defined as “the solid part of

¹ Nearly a decade later, this Court was presented with a similar issue and expressly concluded that “agricultural” uses, alone, do not render property vacant for purposes of MCL 117.9(8). See *Wheatfield Twp v Williamston*, 184 Mich App 745, 746; 458 NW2d 670 (1990). Agricultural uses are simply distinguishable from the constant presence of the water transmission line at issue here.

² The term property is defined as “a piece of real estate,” which is not particularly helpful under the facts and circumstances of this case. *Merriam-Webster’s Collegiate Dictionary* (11th ed). However, it is apparent, in our view, that the Legislature’s reference to “property” in this case is

the surface of the earth[.]" *Merriam-Webster's Collegiate Dictionary* (11th ed), or "an immovable and indestructible three-dimensional area consisting of a portion of the earth's surface, the space above and below the surface, and everything growing on or permanently affixed to it[.]" *Black's Law Dictionary* (10th ed). Using these definitions, it is, in our view, quite apparent that the term "property" as used in MCL 117.9(8) contemplates the space below the surface, which is precisely where the water transmission line is.³

The City's remaining arguments on appeal emphasize the fact that the water transmission line exists on only "a *de minimus* portion of the" land at issue and the fact that the water transmission line exists only due to "a 'non-exclusive' underground . . . easement[.]" In our view, these facts have little, if any, impact on our analysis. First, MCL 117.9(8) requires vacancy, not partial vacancy. Had the Legislature intended to require partial vacancy or otherwise exclude *de minimus* uses, it certainly could have expressed such an intent in the statutory language. It did not. Second, while the City is correct in asserting that the easement is non-exclusive, the City's position fails to acknowledge the fact that the easement is also *permanent*.⁴ Had the easement been non-exclusive and temporary, the *Saline* decision described above would arguably be directly on point. But, as indicated above, it is not. These arguments are therefore unpersuasive.

Accordingly, because the trial court erred in interpreting and applying the term "vacant" as used in MCL 117.9(8), we reverse its order granting summary disposition in favor of the City and remand this matter for the entry of an order granting summary disposition in favor of the Township pursuant to MCR 2.116(I)(2).⁵

a reference to "real property," which can be defined as "[l]and and anything growing on, attached to, or erected on it, excluding anything that may be severed without injury to the land[.]" *Black's Law Dictionary* (10th ed). Consequently, we turn to the definition of "land" to determine the Legislature's intent in this regard.

³ We also reject any notion that our Supreme Court's decision in *Rutland Twp v Hastings*, 413 Mich 560; 321 NW2d 647 (1982), stands for the proposition that underground structures are irrelevant when determining whether land is "vacant" for purposes of MCL 117.9(8). While it is true that the Supreme Court referred to the land at issue as "vacant land," it expressly noted that it was doing so based on the fact that "[t]he circuit judge found that the parcel subject to annexation was 'vacant' within the meaning of the statute" at trial. *Id.* at 562 n 2. In our view, that brief reference to the land as vacant does not suggest that the Supreme Court held, as a matter of law, that land with only underground structures is "vacant" under MCL 117.9(8).

⁴ The easement agreement expressly "grant[ed] and convey[ed] to the [Township], its successors and assigns, a *permanent*, non-exclusive easement and right away in which to construct, operate, remove, inspect, repair, maintain and replace, a water transmission line, in, over, across, and through 'the property[.]' "

⁵ Because the Township is entitled to judgment in its favor as a matter of law, we need not address whether the trial court erred in denying the Township's motion for preliminary injunction based on the likelihood of the Township's claim succeeding on its merits. Nevertheless, the resolution of that issue is likely apparent in light of our conclusion above.

Reversed and remanded. We do not retain jurisdiction.

/s/ Colleen A. O'Brien

/s/ Kurtis T. Wilder

/s/ Mark T. Boonstra

Exhibit #2

allowed on each such additional 30 lineal feet of frontage beyond the minimum frontage required in the zoning district for the lot, parcel or building site to be considered buildable.

7. An access lot, parcel or building site shall provide for off-street parking in accordance with the applicable provisions of Article XIV and additional parking for each beneficiary access as is required for single and two family dwellings.
8. An access lot, parcel or building site created as part of a plat or subdivision shall be dedicated at the time of recording of the plat or subdivision for use solely by the owners/occupants of the lots, parcels or building sites contained within the plat or subdivision, or a specified lesser number thereof.

(Amended: Ord. of 7-29-92; § 5; Ord. No. 04-96A, § 1, 6-10-96; Ord. No. 04-99B, § 9, 5-10-99; ord. No. 2006-03, § XVII, 12-11-06)

95.1205 Substandard dwellings.

Sec. 12.05. For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement dwelling, cellar dwelling, tent, garage-house, or other sub standard structure shall hereinafter be erected or moved upon any premises and used for dwelling purposes.

95.1206 Required water supply and sanitary sewer facilities.

Sec. 12.06. In addition to the requirements established by the State of County health Departments, the following site development and use requirement shall apply:

- A. No structure for human occupancy, or use shall hereafter be erected, altered or moved unless it shall be proved with a safe, sanitary and potable water supply and a safe effective means of collection, treatment and disposal of wastes.
- B. No drain field for a septic tank system shall be located nearer than 150 feet from the normal high water line of any surface body of water nor located in an area where the ground surface is less than four feet above the normal high water table level.

95.1207 Access to a street.

Sec. 12.07. A lot, parcel or building site area of not less than 2 acres, with a lot, parcel, or building site width of no less than 200 feet and at least 200 feet of frontage on a public street is provided. Public access to commercial, industrial or recreational uses shall not be designed so as to pass through the residential neighborhoods. (amended Ord. No. 2009-03, § 1, 2012-01, § VIII, 9-10-12)

(Amended: Ord. No. 04-99B, § 9, 5-10-99)

95.1208 Visibility at intersections.

Sec. 12.08. No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than two feet above street grade on any corner lot, parcel or building site in any zoning district requiring front and side yards within the triangular area formed by the intersecting street rights-of-way lines and a straight line joining the two street lines at points which are 30 feet distant from the point of intersection, measured along the street right-of-way lines.











(Amended: Ord. No. 04-99B, § 9, 5-10-99)

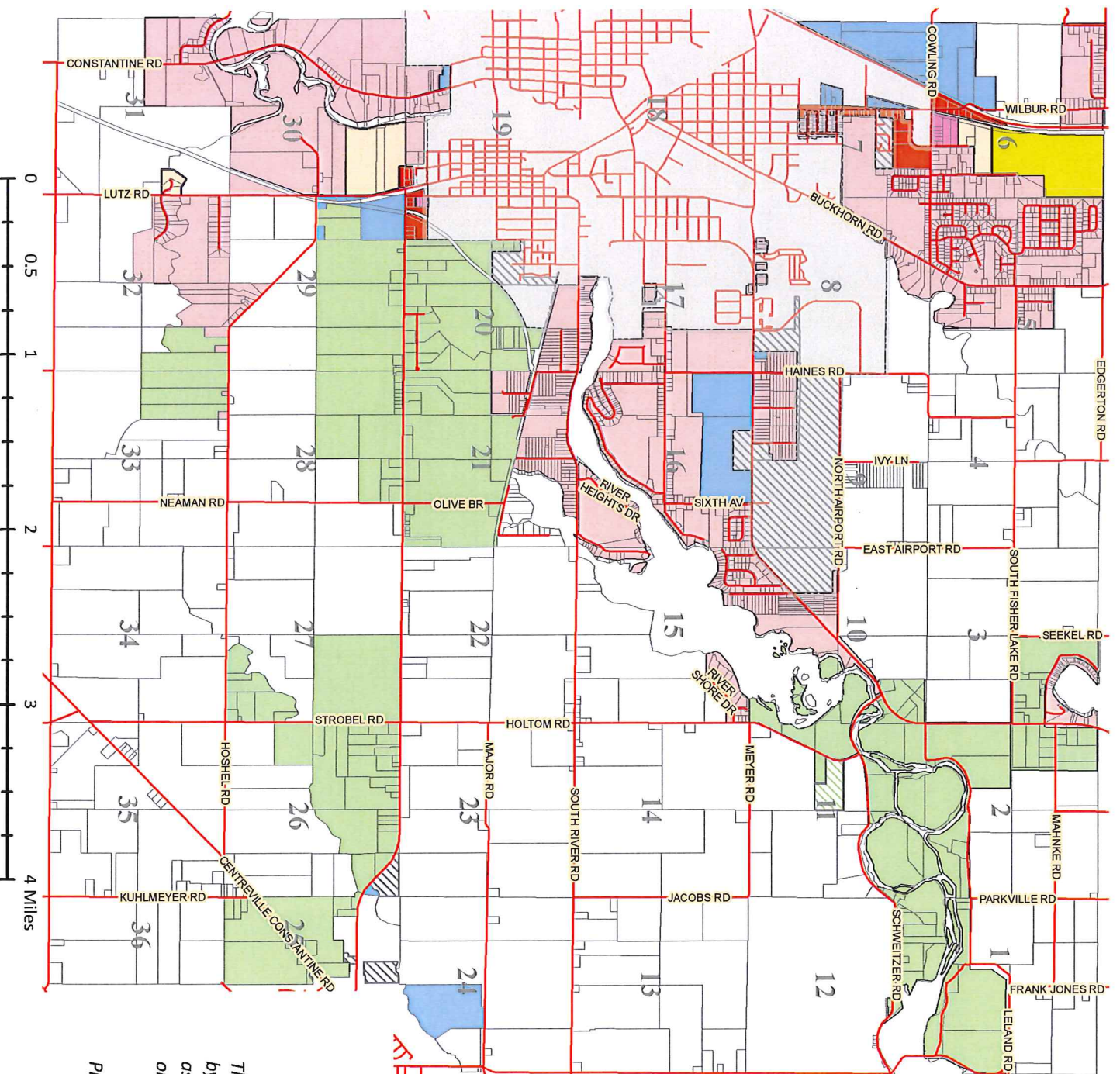
Exhibit #3

Lockport Township

Zoning Map

St Joseph County, Michigan

	SF Single Family Residential
	LI Light Industrial
	SC Service Commercial
	AR Agriculture-Residential
	APD AP Division 95.2031
	AP Agriculture-Production
	MF Multi-Family
	RC Retail-Commercial
	M Manufacturing
	City/Village Transfer



Zoning As Amended By:

Ordinance No. 2004-01, effective May 25, 2004

Ordinance No. 2008-01, effective March 4, 2008

Ordinance No. 2009-04, effective July 31, 2009

January 31, 2013

The information contained herein has been supplied by the local unit of government. St Joseph County assumes no responsibility for the accuracy of the map or the districts herein depicted.

Produced by: St. Joseph County Land Resource Centre
Geographic Information Systems Department
(269) 467-5576

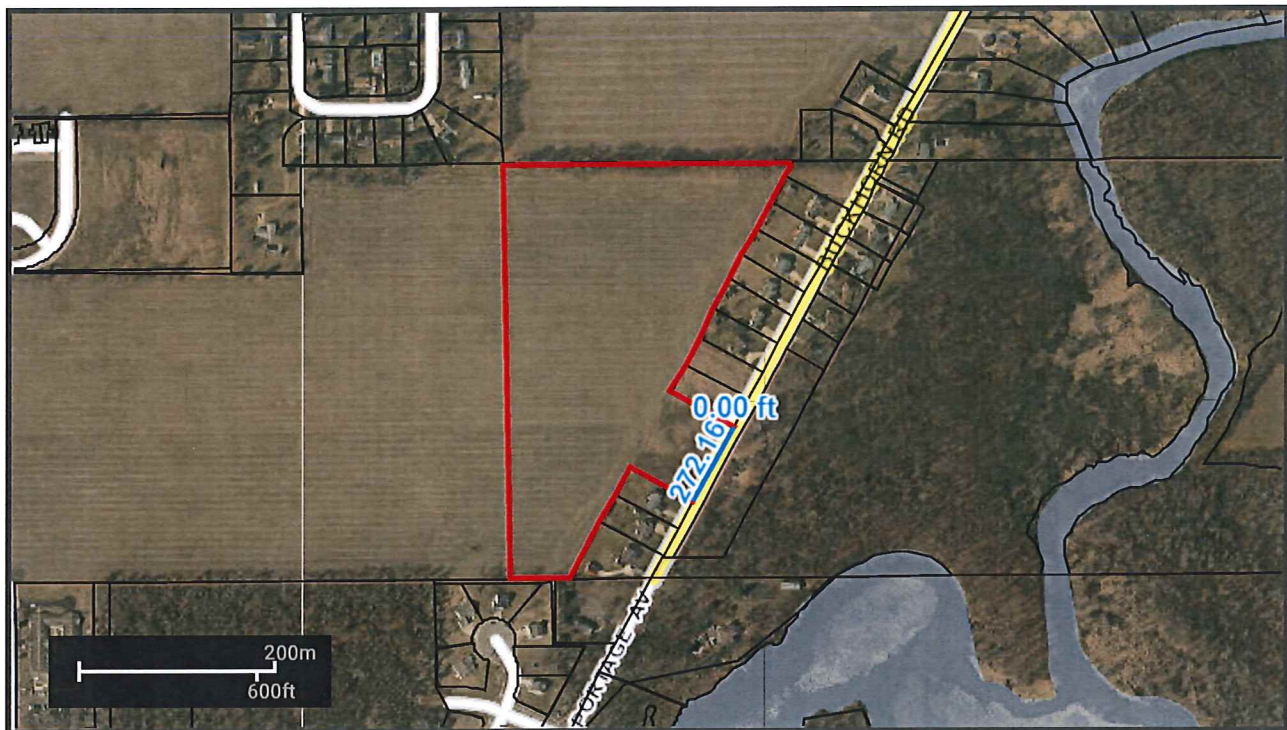
Exhibit #4



St. Joseph GIS

Parcel Report: 009 008 007 00

5/18/2017 1:50:19 PM



Property Address

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Owner Address

THE CITY OF THREE RIVERS

Unit:

009

--

Unit Name:

LOCKPORT

333 W MICHIGAN AV

THREE RIVERS, MI 49093

General Information for 2017 Tax Year

Parcel Number:	009 008 007 00	Assessed Value	\$57700
Property Class:	102	Taxable Value	\$57700
Class Name:	AGRICULTURAL		
School Dist Code:	75080		
School Dist Name:	THREE RIVERS		
SEV:	\$57700		

PRE Last Year May: 0%

PRE Last Year Final: 0%

PRE May: 0%

Prev Year Info

Prev Year Info	MBOR Assessed	Final SEV	Final Taxable
2016	\$59100	\$59100	\$59100
2015	\$98900	\$98900	\$73355

Land Information

Acreage: 20.41

Tax Description

COM W 1/4 COR SEC 8 T6S R11W TH N 89D 58M 57S E 220.29 FT TH N 28D 57M E 410.68 FT TH S 61D 03M E 233 FT TO C/L BUCKHORN RD TH N 28D 57M E 266.03 FT ALG SD C/L TH N 61D 03M W 233 FT TH N 28D 57M E 844.87 FT TH N 89D 59M 22S W 960.34 FT M/L TO W SEC LN TH S ALG SD W LN TO POB

Sales Information

Sale Date: 02-01-2016

Sale Price: 755000

Instrument: WD

Grantor: NORTHERN CONSTRUCTION SERVICES CORP

Grantee: THE CITY OF THREE RIVERS

Terms of Sale: TO/FROM NON-PROFIT

Liber/Page: 1812/882

Sale Date: 06-01-2006

Sale Price: 0

Instrument: WD

Grantor: REAL INVESTMENT CORPORATION

Grantee: NORTHERN CONSTRUCTION SERVICES CORP

Terms of Sale: WARRANTY DEED

Liber/Page: 1383/743

Sale Date: 08-24-2005

Sale Price: 0

Instrument: CD

Grantor: WDC LLC-CTR

Grantee: REAL INVESTMENT CORPORATION

Terms of Sale: COURT DOCUMENT

Liber/Page: 1324/293

Sale Date: 06-10-2004

Sale Price: 0
Instrument: LC
Grantor: DANICK CORPORATION
Grantee: WDC LLC-CTR
Terms of Sale: LAND CONTRACT
Liber/Page: 1244/883

Sale Date: 06-10-2004

Sale Price: 265000
Instrument: WD
Grantor: DANICK CORPORATION
Grantee: REAL-INVESTMENT CORPORATION PSP
Terms of Sale: WARRANTY DEED
Liber/Page: 1245/707

Sale Date: 05-07-2004

Sale Price: 278867
Instrument: WD
Grantor: MEYER VENTURES LLC
Grantee: DANICK CORPORATION
Terms of Sale: WARRANTY DEED
Liber/Page: 1244/881

Sale Date: 04-27-2004

Sale Price: 0
Instrument: OT
Grantor: CRNKOVICH NICK G
Grantee: MEYER VENTURES LLC
Terms of Sale: OTHER
Liber/Page: 1232/276

Sale Date: 04-27-2004

Sale Price: 0
Instrument: QC
Grantor: CRNKOVICH NICK G
Grantee: MEYER VENTURES LLC
Terms of Sale: QUIT CLAIM DEED
Liber/Page: 1232/275

Sale Date: 07-18-2003

Sale Price: 36000
Instrument: WD
Grantor: DANICK CORP
Grantee: MEYER LEO E-LIVING TRUST
Terms of Sale: WARRANTY DEED
Liber/Page: 1168/774

Sale Date: 07-17-2003

Sale Price: 18000
Instrument: QC
Grantor: CRNKOVICH NICK G
Grantee: DANICK CORP
Terms of Sale: QUIT CLAIM DEED
Liber/Page: 1168/773

Sale Date: 07-17-2003

Sale Price: 0
Instrument: QC
Grantor: CRNKOVICH NICK G
Grantee: DANICK CORPORATION
Terms of Sale: QUIT CLAIM DEED
Liber/Page: 1177/720

Sale Date: 05-23-2003

Sale Price: 14500
Instrument: WD
Grantor: DANICK CORP-CTR
Grantee: PULLEN WILLIAM J & BELINDA K
Terms of Sale: WARRANTY DEED
Liber/Page: 1152/436

Sale Date: 05-16-2003

Sale Price: 7250
Instrument: QC
Grantor: CRNKOVICH NICK G
Grantee: DANICK CORPORATION
Terms of Sale: QUIT CLAIM DEED
Liber/Page: 1152/435

Sale Date: 11-16-2002

Sale Price: 7250
Instrument: QC
Grantor: CRNKOVICH NICK G
Grantee: DANICK CORP
Terms of Sale: QUIT CLAIM DEED
Liber/Page: 1102/132

Sale Date: 11-04-2002

Sale Price: 13750
Instrument: WD
Grantor: DANICK CORP
Grantee: SMITH GUY H & JUDITH D
Terms of Sale: WARRANTY DEED
Liber/Page: 1098/367

Sale Date: 10-31-2002

Sale Price: 6875
Instrument: QC
Grantor: CRNKOVICH NICK G
Grantee: DANICK CORP
Terms of Sale: QUIT CLAIM DEED
Liber/Page: 1098/366

Sale Date: 10-31-2002

Sale Price: 6250
Instrument: QC
Grantor: CRNKOVICH NICK G
Grantee: DANICK CORP
Terms of Sale: QUIT CLAIM DEED
Liber/Page: 1102/934

Sale Date: 07-19-2002

Sale Price: 14000
Instrument: WD
Grantor: DANICK CORP
Grantee: ROBERTS MARK ANDREW & CONNIE JEAN
Terms of Sale: WARRANTY DEED
Liber/Page: 1070/016

Sale Date: 07-15-2002

Sale Price: 7000
Instrument: QC
Grantor: CRNKOVICH NICK G
Grantee: DANICK CORP
Terms of Sale: QUIT CLAIM DEED
Liber/Page: 1070/015

Sale Date: 07-21-2000

Sale Price: 0
Instrument: WD
Grantor:
Grantee:
Terms of Sale: WARRANTY DEED
Liber/Page: 0946/536

Sale Date: 07-19-2000

Sale Price: 0
Instrument: WD
Grantor:
Grantee:
Terms of Sale: WARRANTY DEED
Liber/Page: 0946/535

Sale Date: 04-13-2000

Sale Price: 0
Instrument: WD
Grantor:
Grantee:
Terms of Sale: WARRANTY DEED
Liber/Page: 0932/836

Sale Date: 11-30-1999

Sale Price: 0
Instrument: WD
Grantor: CRNKOVICH
Grantee: DANNICK CORP
Terms of Sale:
Liber/Page: 0916/603

Sale Date: 01-01-1901

Sale Price: 0
Instrument: WD
Grantor:
Grantee:
Terms of Sale: WARRANTY DEED
Liber/Page: 0574/649

Tax History *Total Due as of settlement date

Tax Details 2016 Winter

School Dist. Code:	75080	PRE/MBT Percent:	0%
School Dist. Name:	THREE RIVERS	State Equalized Value:	\$59100
Property Class:	102	Taxable Value:	\$59100
Class Name:			
Last Payment Date:	February 14, 2017		

Base Tax:	\$1,974.64	Base Paid:	\$1,974.64
Admin Fees:	\$0.00	Admin Fees Paid:	\$0.00
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$1,974.64	Total Paid:	\$1,974.64

Tax Items 2016 Winter

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
UNIT OPERATING	0.8834	52.20	52.20
FIRE OPERATING	0.5959	35.21	35.21
COUNTY COA	0.75	44.32	44.32
COUNTY 911	0.75	44.32	44.32
COUNTY ROAD	1	59.10	59.10

COUNTY TRANSPORT	0.33	19.50	19.50
LOCAL SCHOOL OP	18	1,063.80	1,063.80
LOCAL SCH DEBT	5.4	319.14	319.14
ST JOE ISD OP	0.2283	13.49	13.49
ST JOE ISD SP ED	2.4554	145.11	145.11
ST JOE ISD SP EV	0.2946	17.41	17.41
GLEN OAKS CC	2.7249	161.04	161.04
SCHOOL OPER FC	18	0.00	0.00

Tax Details 2016 Summer

School Dist. Code:	75080	PRE/MBT Percent:	0%
School Dist. Name:	THREE RIVERS	State Equalized Value:	\$59100
Property Class:	102	Taxable Value:	\$59100
Class Name:			

Last Payment Date: September 6, 2016

Base Tax:	\$623.39	Base Paid:	\$623.39
Admin Fees:	\$6.23	Admin Fees Paid:	\$6.23
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$629.62	Total Paid:	\$629.62

Tax Items 2016 Summer

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
STATE EDUCATION	6	354.60	354.60
COUNTY OPERATING	4.5482	268.79	268.79

Tax Details 2015 Winter

School Dist. Code:	75080	PRE/MBT Percent:	0%
School Dist. Name:	THREE RIVERS	State Equalized Value:	\$98900
Property Class:	402	Taxable Value:	\$73355
Class Name:			

Last Payment Date: December 21, 2015

Base Tax:	\$2,429.65	Base Paid:	\$2,429.65
Admin Fees:	\$0.00	Admin Fees Paid:	\$0.00
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$2,429.65	Total Paid:	\$2,429.65

Tax Items 2015 Winter

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
UNIT OPERATING	0.8894	65.24	65.24
FIRE OPERATING	0.6	44.01	44.01
COUNTY COA	0.75	55.01	55.01
COUNTY 911	0.5	36.67	36.67
COUNTY ROAD	1	73.35	73.35
COUNTY TRANSPORT	0.33	24.20	24.20
LOCAL SCHOOL OP	18	1,320.39	1,320.39
LOCAL SCH DEBT	5.35	392.44	392.44
ST JOE ISD OP	0.2283	16.74	16.74
ST JOE ISD SP ED	2.4554	180.11	180.11
ST JOE ISD SP EV	0.2946	21.61	21.61
GLEN OAKS CC	2.7249	199.88	199.88
SCHOOL OPER FC	18	0.00	0.00

Tax Details 2015 Summer

School Dist. Code:	75080	PRE/MBT Percent:	0%
School Dist. Name:	THREE RIVERS	State Equalized Value:	\$98900
Property Class:	402	Taxable Value:	\$73355
Class Name:			

Last Payment Date: September 9, 2015

Base Tax:	\$773.76	Base Paid:	\$773.76
Admin Fees:	\$7.73	Admin Fees Paid:	\$7.73
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$781.49	Total Paid:	\$781.49

Tax Items 2015 Summer

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
STATE EDUCATION	6	440.13	440.13
COUNTY OPERATING	4.5482	333.63	333.63

Tax Details 2014 Winter

School Dist. Code:	75080	PRE/MBT Percent:	0%
School Dist. Name:	THREE RIVERS	State Equalized Value:	\$72200
Property Class:	402	Taxable Value:	\$72200
Class Name:			

Last Payment Date: December 22, 2014

Base Tax:	\$2,406.59	Base Paid:	\$2,406.59
Admin Fees:	\$0.00	Admin Fees Paid:	\$0.00
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$2,406.59	Total Paid:	\$2,406.59

Tax Items 2014 Winter

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
UNIT OPERATING	0.8894	64.21	64.21
COUNTY ROADS	1	72.20	72.20
COUNTY E911	0.5	36.10	36.10
COUNTY COA	0.75	54.15	54.15
COUNTY TRANSPORT	0.33	23.82	23.82
LOCAL SCHOOL OP	18	1,299.60	1,299.60
LOCAL SCH DEBT	5.56	401.43	401.43
ST JOE ISD OP	0.2283	16.48	16.48
ST JOE ISD SP ED	2.75	198.55	198.55
COMM COLLEGE	2.7249	196.73	196.73
FIRE OPERATING	0.6	43.32	43.32
SCHOOL OPER FC	18	0.00	0.00

Tax Details 2014 Summer

School Dist. Code:	75080	PRE/MBT Percent:	0%
School Dist. Name:	THREE RIVERS	State Equalized Value:	\$72200
Property Class:	402	Taxable Value:	\$72200
Class Name:			

Last Payment Date: August 29, 2014

Base Tax:	\$761.58	Base Paid:	\$761.58
Admin Fees:	\$7.61	Admin Fees Paid:	\$7.61
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$769.19	Total Paid:	\$769.19

Tax Items 2014 Summer

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
STATE EDUCATION	6	433.20	433.20
COUNTY OPERATING	4.5482	328.38	328.38

Application Use:

This map is neither a legally recorded map nor a survey and is not intended to be used as such. The information on St. Joseph County websites, are distributed and transmitted 'as is' without warranties of any kind, either expressed or implied, including without limitations, warranties of title or implied warranties of merchantability or fitness for a particular purpose. St. Joseph County does not guarantee the accuracy, timeliness, or completeness of the information on this website.

GIS/Mapping:

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Exhibit #5



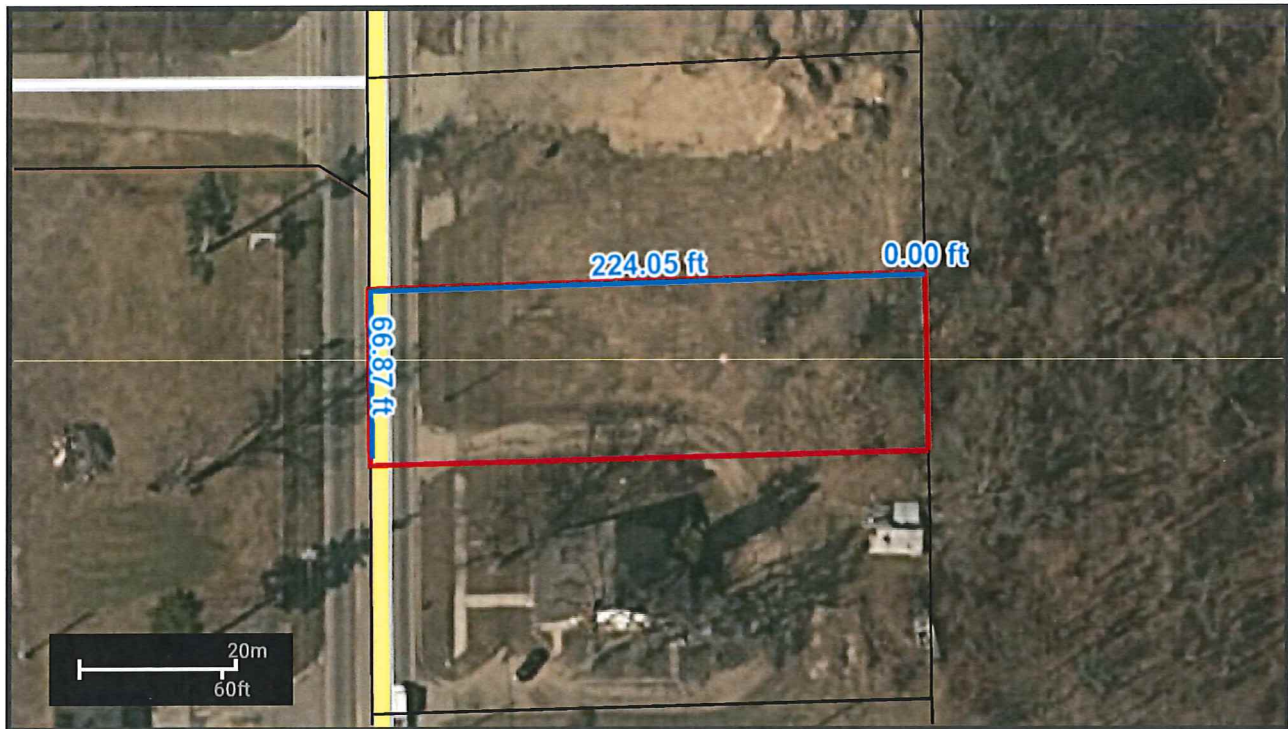
Exhibit #6



St. Joseph GIS

Parcel Report: 009 007 007 00

5/23/2017 10:07:37 AM



Property Address

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-, -, --

Owner Address

THE CITY OF THREE RIVERS

Unit:

009

-

Unit Name:

LOCKPORT

333 W MICHIGAN AV

THREE RIVERS, MI 49093

General Information for 2017 Tax Year

Parcel Number:	009 007 007 00	Assessed Value	\$7500
Property Class:	202	Taxable Value	\$7500
Class Name:	COMMERCIAL VACANT	SEV:	\$7500
School Dist Code:	75080		
School Dist Name:	THREE RIVERS		

PRE Last Year May: 0%

PRE Last Year Final: 0%

PRE May: 0%

Prev Year Info

Prev Year Info	MBOR Assessed	Final SEV	Final Taxable
2016	\$11900	\$11900	\$4658
2015	\$13500	\$13500	\$4645

Land Information

Acreage: 0.68

Tax Description

COM 533 FT N OF CEN SEC 7 T6S R11W TH N 66 FT TH E 224 FT TH S 66 FT TH W 224 FT TO POB.

Sales Information

Sale Date: 02-01-2016

Sale Price: 755000

Instrument: WD

Grantor: NORTHERN CONSTRUCTION SERVICES CORP

Grantee: THE CITY OF THREE RIVERS

Terms of Sale: TO/FROM NON-PROFIT

Liber/Page: 1812/882

Sale Date: 06-01-2006

Sale Price: 450000

Instrument: WD

Grantor: REAL INVESTMENT CORPORATION

Grantee: NORTHERN CONSTRUCTION SERVICES CORP

Terms of Sale: WARRANTY DEED

Liber/Page: 1383/743

Sale Date: 08-24-2005

Sale Price: 0

Instrument: CD

Grantor: WDC LLC-CTR

Grantee: REAL INVESTMENT CORPORATION

Terms of Sale: COURT DOCUMENT

Liber/Page: 1324/293

Sale Date: 06-10-2004

Sale Price: 265000

Instrument: WD

Grantor: DANICK CORPORATION

Grantee: REAL-INVESTMENT CORPORATION PSP
Terms of Sale: WARRANTY DEED
Liber/Page: 1245/707

Sale Date: 06-10-2004

Sale Price: 0
Instrument: LC
Grantor: DANICK CORPORATION
Grantee: WDC LLC-CTR
Terms of Sale: LAND CONTRACT
Liber/Page: 1244/883

Sale Date: 05-07-2004

Sale Price: 278867
Instrument: WD
Grantor: MEYER VENTURES LLC
Grantee: DANICK CORPORATION
Terms of Sale: WARRANTY DEED
Liber/Page: 1244/881

Sale Date: 04-27-2004

Sale Price: 0
Instrument: QC
Grantor: CRNKOVICH NICK G
Grantee: MEYER VENTURES LLC
Terms of Sale: QUIT CLAIM DEED
Liber/Page: 1232/275

Sale Date: 04-27-2004

Sale Price: 0
Instrument: OT
Grantor: CRNKOVICH NICK G
Grantee: MEYER VENTURES LLC
Terms of Sale: OTHER
Liber/Page: 1232/276

Sale Date: 11-30-1999

Sale Price: 0
Instrument: WD
Grantor:
Grantee:
Terms of Sale: WARRANTY DEED
Liber/Page: 0916/602

Sale Date: 09-09-1999

Sale Price: 35000
Instrument: WD
Grantor: PAAS

Grantee: CRNKOVICH

Terms of Sale:

Liber/Page: 0905/942

Tax History *Total Due as of settlement date**Tax Details 2016 Winter**

School Dist. Code:	75080	PRE/MBT Percent:	0%
School Dist. Name:	THREE RIVERS	State Equalized Value:	\$11900
Property Class:	202	Taxable Value:	\$4658
Class Name:			

Last Payment Date:	February 14, 2017
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Base Tax:	\$155.58	Base Paid:	\$155.58
Admin Fees:	\$0.00	Admin Fees Paid:	\$0.00
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$155.58	Total Paid:	\$155.58

Tax Items 2016 Winter

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
UNIT OPERATING	0.8834	4.11	4.11
FIRE OPERATING	0.5959	2.77	2.77
COUNTY COA	0.75	3.49	3.49
COUNTY 911	0.75	3.49	3.49
COUNTY ROAD	1	4.65	4.65
COUNTY TRANSPORT	0.33	1.53	1.53
LOCAL SCHOOL OP	18	83.84	83.84
LOCAL SCH DEBT	5.4	25.15	25.15
ST JOE ISD OP	0.2283	1.06	1.06
ST JOE ISD SP ED	2.4554	11.43	11.43
ST JOE ISD SP EV	0.2946	1.37	1.37
GLEN OAKS CC	2.7249	12.69	12.69
SCHOOL OPER FC	18	0.00	0.00

Tax Details 2016 Summer

School Dist. Code:	75080	PRE/MBT Percent:	0%
School Dist. Name:	THREE RIVERS	State Equalized Value:	\$11900
Property Class:	202	Taxable Value:	\$4658
Class Name:			

Last Payment Date: September 6, 2016

Base Tax:	\$49.12	Base Paid:	\$49.12
Admin Fees:	\$0.49	Admin Fees Paid:	\$0.49
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$49.61	Total Paid:	\$49.61

Tax Items 2016 Summer

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
STATE EDUCATION	6	27.94	27.94
COUNTY OPERATING	4.5482	21.18	21.18

Tax Details 2015 Winter

School Dist. Code:	75080	PRE/MBT Percent:	0%
School Dist. Name:	THREE RIVERS	State Equalized Value:	\$13500
Property Class:	202	Taxable Value:	\$4645
Class Name:			

Last Payment Date: December 21, 2015

Base Tax:	\$153.81	Base Paid:	\$153.81
Admin Fees:	\$0.00	Admin Fees Paid:	\$0.00
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$153.81	Total Paid:	\$153.81

Tax Items 2015 Winter

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
UNIT OPERATING	0.8894	4.13	4.13
FIRE OPERATING	0.6	2.78	2.78
COUNTY COA	0.75	3.48	3.48
COUNTY 911	0.5	2.32	2.32
COUNTY ROAD	1	4.64	4.64
COUNTY TRANSPORT	0.33	1.53	1.53
LOCAL SCHOOL OP	18	83.61	83.61
LOCAL SCH DEBT	5.35	24.85	24.85
ST JOE ISD OP	0.2283	1.06	1.06
ST JOE ISD SP ED	2.4554	11.40	11.40
ST JOE ISD SP EV	0.2946	1.36	1.36
GLEN OAKS CC	2.7249	12.65	12.65

SCHOOL OPER FC	18	0.00	0.00
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Tax Details 2015 Summer

School Dist. Code:	75080	PRE/MBT Percent:	0%
School Dist. Name:	THREE RIVERS	State Equalized Value:	\$13500
Property Class:	202	Taxable Value:	\$4645
Class Name:			
Last Payment Date:	September 9, 2015		

Base Tax:	\$48.99	Base Paid:	\$48.99
Admin Fees:	\$0.48	Admin Fees Paid:	\$0.48
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$49.47	Total Paid:	\$49.47

Tax Items 2015 Summer

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
STATE EDUCATION	6	27.87	27.87
COUNTY OPERATING	4.5482	21.12	21.12

Tax Details 2014 Winter

School Dist. Code:	75080	PRE/MBT Percent:	0%
School Dist. Name:	THREE RIVERS	State Equalized Value:	\$4600
Property Class:	202	Taxable Value:	\$4572
Class Name:			
Last Payment Date:	December 22, 2014		

Base Tax:	\$152.34	Base Paid:	\$152.34
Admin Fees:	\$0.00	Admin Fees Paid:	\$0.00
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$152.34	Total Paid:	\$152.34

Tax Items 2014 Winter

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
UNIT OPERATING	0.8894	4.06	4.06
COUNTY ROADS	1	4.57	4.57
COUNTY E911	0.5	2.28	2.28
COUNTY COA	0.75	3.42	3.42
COUNTY TRANSPORT	0.33	1.50	1.50
LOCAL SCHOOL OP	18	82.29	82.29

LOCAL SCH DEBT	5.56	25.42	25.42
ST JOE ISD OP	0.2283	1.04	1.04
ST JOE ISD SP ED	2.75	12.57	12.57
COMM COLLEGE	2.7249	12.45	12.45
FIRE OPERATING	0.6	2.74	2.74
SCHOOL OPER FC	18	0.00	0.00

Tax Details 2014 Summer

School Dist. Code:	75080	PRE/MBT Percent:	0%
School Dist. Name:	THREE RIVERS	State Equalized Value:	\$4600
Property Class:	202	Taxable Value:	\$4572
Class Name:			

Last Payment Date: August 29, 2014

Base Tax:	\$48.22	Base Paid:	\$48.22
Admin Fees:	\$0.48	Admin Fees Paid:	\$0.48
Interest Fees:	\$0.00	Interest Fees Paid:	\$0
Total Tax & Fees:	\$48.70	Total Paid:	\$48.70

Tax Items 2014 Summer

Tax Source	Millage Rate	Tax Amt.	Base Amt. Paid
STATE EDUCATION	6	27.43	27.43
COUNTY OPERATING	4.5482	20.79	20.79

Application Use:

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Exhibit #7

- b. *Violation.* Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

(Ord. No. 2003-04, § I, 7-14-03; Ord. No. 2006-03, § XXXII, 12-11-06)

95.1506

Penalties.

Sec. 15.06.

- a. *Municipal Civil Infraction.* A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	<i>Minimum Fine</i>	<i>Maximum Fine</i>
-1 st Offense	\$ 75.00	\$500.00
-2 nd Offense	150.00	500.00
-3 rd Offense	325.00	500.00
-4 th or More Offense	500.00	500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Lockport Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

- b. *Remedial Action.* Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

(Ord. No. 2003-04, § II, 7-14-03)

95.1507

Initiating amendments and fees.

Sec. 15.07. The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning commission, or by petition of one or more owners of property to be Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board, or the Planning Commission, the petitioner or petitioners requesting an amendment shall at the time of application pay a fee prescribed by the Township Board, no part of which shall be returnable to the petitioner.

95.1508

Amendment procedure.

Sec. 15.08. The Township Zoning Ordinance may be amended or property rezoned upon request from a property owner or upon initiation by the Township Board of Trustees or the Township Planning Commission. The following procedures will be followed in receiving, reviewing and approving amendments to the Zoning Ordinance or for the rezoning of property.